

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 08 2008

IRMA A. DEROIN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

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ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

No. CIV-07-1041-W

ORDER

On August 11, 2008, United States Magistrate Judge Shon T. Erwin issued his findings in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Irma A. Derooin be reversed. Magistrate Judge Erwin further recommended that this matter be remanded for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Findings and Recommendation, but neither party objected within the allotted time.

Upon de novo review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of this matter. Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on August 11, 2008;

(2) REVERSES the Commissioner's decision denying Derooin's Application for Disability Insurance Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings before an

administrative law judge ("ALJ");

(4) DIRECTS the ALJ upon remand inter alia to discharge the duty imposed upon him or her to fully and fairly develop the record as to all material issues and to fulfill that duty by obtaining pertinent, available medical records that come to his or her attention, to subpoena such medical records and to fully and fairly consider the same; and

(5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 8th day of September, 2008.


LEE R. WEST
UNITED STATES DISTRICT JUDGE